



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

JAN 21 1998

Mr. Samuel S. Elkind
Air Dangerous Goods
United Parcel Services
1400 North Hurstbourne Pkwy
Louisville, Kentucky 40223

Dear Mr. Elkind:

This is in response to your December 8, 1997 letter to Mrs. Beth Romo of the Federal Aviation Administration's Dangerous Goods/Cargo Security Program concerning the distribution of shipping papers with a signed shipper's certification for UPS hazardous materials shipments transported by air. Your letter has been forwarded to this Office for reply.

In your letter, you described the following scenario:

The UPS eight-ply hazardous materials shipping paper with the signed shipper certification is affixed to a package, the top copy is removed at the original acceptance location, and subsequent copies are removed as the package moves through the UPS system. Except for the copy required to accompany the shipment, if all other copies of the original paperwork are distributed, a "replacement" shipping paper is generated, on which all relevant descriptive information is re-copied, with the exception of the certifying signature. In lieu of the signature, the phrase "Signature on File" is entered, since the original acceptance location possesses the required file copy. The "replacement" paper is then affixed to the package in such a way that the last copy of the original shipping document remains unobscured. This method ensures that the certification is in both required locations - the acceptance point and accompanying the shipment.

You further explained that, to deliver shipments destined for extended areas of Alaska, you utilize the services of an indirect air carrier to interline these shipments with air carriers flying into remote locations. The indirect air carrier you use has traditionally requested and received copies of each shipping document with the original certification to provide the air carriers. You asked if

this movement is considered to be a conventional interline movement with UPS Airlines serving as the originating aircraft operator. If so, you believe that the presence of the signed shipper's certification in the origin files and on the package would satisfy all requirements specified in Part 175 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Your understanding is correct. One copy of a properly described and certified shipping paper must be retained by UPS as the originating aircraft operator and one copy must accompany the shipment during transport by air (see 49 CFR 175.30(a)(2) and 175.35(a), respectively). The UPS procedures described above satisfy these requirements.

I hope this information is helpful. Please contact this Office if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward T. Mazzullo".

Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards



U.S. Department
of Transportation
Federal Aviation
Administration

Memorandum

ACS
FAA

Lavalle
File 175.306(a)(2)
SC. 412,

Subject: **ACTION:** Letter of Clarification

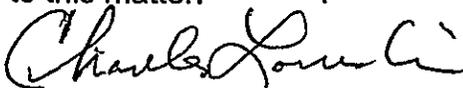
Date: December 22, 1997

From: FAA Dangerous Goods and Cargo Security
Program, ACO-800

Reply to
Attn. of: B. Romo: 202-267-3207

To: Edward T. Mazzullo, Director
Office of Hazardous Materials Standards

I am forwarding a request for a letter of clarification from Mr Sam Elkind of UPS Airlines to Mrs. Beth Romo of my staff concerning the applicability of 49 CFR 175.30(a)(2) to the distribution of certified shipping papers for hazardous materials shipments transported by air. For your convenience, I also am attaching a draft response prepared by Mrs. Romo. I appreciate your attention to this matter.


Charles Lovinski

Attachments



United Parcel Service 1400 North Hurstbourne Parkway, Louisville, KY 40223
(502) 329-3000

December 8, 1997

Ms. Beth Romo
Dangerous Goods/Cargo Security Program
Federal Aviation Administration - ACO-800
800 Independence Avenue, SW
Washington, D.C. 20591

Re: Shipper's Certification Requirements for Certain Air Shipments

Dear Ms. Romo:

I write to follow up our conversation of December 5, about the exact requirements regarding the need for a shipper's certification in addition to a shipping paper for UPS hazardous materials shipments transported by air. As I explained to you, there is a combination of circumstances that has led to a delay in our ability to service our customers who ship to destinations in extended areas of Alaska, and we believe the solution to this problem lies in the interpretation of 49 CFR 175.30(a)(2) and 175.35(a) in relation to these shipments. Please let me review the background necessary to understand the problem.

As you know, our air hazardous materials shipping paper consists of a self-adhesive document of eight plies, which is affixed to a hazardous materials package (sample enclosed). At each node in the system, including the original acceptance location, the top copy of the shipping paper is removed. At acceptance, one copy is filed as required by the regulations. Successive copies are used to fulfill shipping paper requirements for drivers of vehicles, or to help provide notification to the pilot-in-command of UPS flights, depending on how the shipment will travel in its next leg.

It has been our experience, however, that as packages move through the UPS system, some shipments can run out of copies of the paperwork, and this is at the heart of my question regarding our shipments to extended Alaska. When shipments in the UPS system exhaust the copies of the original paperwork, we create a "replacement" shipping paper, on which all the relevant descriptive information is re-copied, with the exception of the signature. In the "signature" field, the phrase "Signature on File" is entered, since the acceptance location possesses the required file copy. The "replacement" paper is then affixed to the package so that the original certification remains unobscured. In this way, we ensure that the certification is in the locations required: the acceptance point (§175.30(a)(2)); and with the shipment (§175.35(a)).



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Ms. Beth Romo
December 8, 1997
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With respect to the shipments destined to extended Alaska, the question arises whether this "replacement" shipping paper may be used to complete the delivery. It is our business practice to utilize the services of an indirect air carrier, Lynden Air Freight, to interline the packages with appropriate air carriers flying into the extended areas of Alaska. Up until now, Lynden has requested copies of the shipping paper with the original certification to provide to their air carriers, and our Anchorage operations have sought to fulfill that request by contacting the origin center and requesting a telefax copy of the origin copy. However, this step delays the delivery of the packages, which means that we do not make the committed service on the packages.

For this reason, I posed the question to you whether the movement of these packages from UPS to Lynden to other air carriers could be viewed as a more conventional "interline" move, such as is obviously conceived of in the language of §175.30(a)(2): "The originating aircraft operator must retain one copy of the shipping paper for 90 days" [emphasis added]. Naturally, if this movement is indeed a conventional interline movement, then UPS Airlines would be the originating aircraft operator and the presence of the signed shipper's certification in the origin files and on the packages would fulfill all the requirements relating to the shipper's certification for this type of movement.

In our discussion, you indicated that it was your preliminary opinion, and that of one FAA Regional Hazardous Materials Coordinator, that UPS would not be required by regulation to furnish shipping paper that includes a signed shipper's certification to either Lynden or the onward air carriers for shipments destined into Alaska. I would be grateful if you could confirm that opinion in writing at your earliest convenience, as our present method of processing these shipments is creating service delays preventing us from fulfilling the customers' desires for express deliveries.

If you wish to discuss this problem any further, please feel free to contact me at (502) 359-1891. I look forward to your reply.

Sincerely,



Samuel S. Elkind
Air Dangerous Goods